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Wyoming - History.

MEMORIAL

TO THE

PRESIDENT AND CONGRESS

FOR THE ADMISSION OF

WYOMING TERRITORY

—TO—

THE UNION.

WITH APPENDICES

SHOWING THE ACTION TAKEN BY THE PEOPLE, AND THE CONSTITUTION, AS ADOPTED.

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MEMORIAL

PRAYING FOR THE ADMISSION OF WYOMING INTO THE UNION OF STATES.

To the President and Congress of the United States:

The People of Wyoming, prompted thereto by a consideration of the great importance of an early escape from the Territorial condition, and of the rights which pertain to American citizens, having taken the preliminary steps toward organizing a State Government by the adoption of a constitution, republican in form, do now, through their authorized agents, present such constitution to the President and Congress of the United States and respectfully pray to be admitted as a State into the Union of States.

Steps Antecedent.

During the nearly twenty-one years since the organization of the Territory, the people of Wyoming have with energy, industry and becoming patience labored to reclaim the vast region of country embraced within its boundaries, meanwhile graciously accepting the general rule of Federal authories; confident that, when sufficiently populous and sufficiently developed to justify such action, the Territory would be cheerfully accorded the full benefits of statehood. In their judgment, that condition of things has been fully realized. And accordingly, moved by their conviction of what was demanded, and by the known wish of the great body of their constituents, the Tenth Legislative Assembly, which convened in January, 1888, memorialized Congress

for an enabling act; declaring it to be "manifest that the prosperity and welfare of the people of this Territory will advance under state institutions far beyond what can be realized under a territorial condition." This memorial is hereto attached as "Appendix A."

Through the instrumentality of the Delegate from Wyoming, Hon. Joseph M. Carey, a bill was accordingly introduced in the Senate during the Fiftieth Congress (S. 2445) "to provide for the formation and admission into the Union of the State of Wyoming and for other purposes." During the closing days of that Congress, the committee on territories, to whom it was referred, having amended the same, unanimously reported it with the recommendation that it pass, setting forth in a very strong light as reasons therefor the vastness and varied character of the resources of the Territory, its very considerable development, its high financial standing, the excellent provision made for education, as well as for public charities, and the sufficiency of population.

At the same session, a bill (H. R. 12,411) to enable Wyoming and certain other territories to form constitutions and state governments, was also favorably reported by the House committee on territories, whose report in like manner illustrated the wealth of Wyoming, with its advanced condition and excellent prospects; submitting in connection that the facts fully established the claims of Wyoming to statehood.

Not doubting that if time had permitted an enabling act would have been passed by Congress during said session, and assuming the no less favorable action of the Fifty-First Congress upon a proper constitution presented for its approval, boards of county commissioners of a large majority of the counties, basing their action on the Senate Bill aforesaid, passed resolutions expressing the opinion that there should be immediate action to this end; pledging themselves to put in operation the election machinery under the laws of the Territory for the election of delegates to a constitutional

convention, as well as to submit such constitution as should be framed, to the people for their ratification or rejection, in case the territorial officers in said bill designated should take the requisite initiatory steps, and requesting such territorial officers to divide the Territory into districts, apportion the number of delegates thereto respectively, and do such other acts as were necessary for convening a constitutional convention, in the manner and form provided by the terms of said Senate bill.

The form of resolution so adopted by the county boards is hereto attached as "Appendix B."

In pursuance of the requests so made, the Governor, Chief Justice and Secretary of the Territory did on the third day of June, 1889, convene at the Capitol, divide the Territory into delegate districts, and apportion the number of delegates thereto on the basis of the population of each as shown by the votes cast for delegate in Congress at the last general election, namely: on the 6th of November, 1888; officially certifying to such action on their part; which certificate will be found hereto attached as "Appendix C."

Whereupon the Governor of the Territory, "recognizing the superior and material advantages of a state govment over our territorial system, and being desirous of carrying into effect the will of the people", issued his proclamation, recommending the necessary action, and directing that an election be held throughout the Territory on the second Monday of July, 1889, for the election of delegates to a constitutional convention to assemble at Cheyenne on the first Monday of September, 1889, for the purpose of framing a constitution for the State of Wyoming, and of submitting such constitution to the people for their ratification or rejection; also recommending that in framing a state government "the provisions of the aforesaid Senate Bill be followed as nearly as possible", and directing that the constitution so formed by such convention be submitted to the people on the first Tuesday of November, 1889.

The said proclamation is hereto attached as "Appendix D".

In obedience to the call of the Governor, fifty-five delegates were chosen, and on the said second day of September, 1889, delegates to the number of forty-nine, every county and both political parties being represented, convened in the Capitol at Cheyenne, and having been duly sworn, organized as a convention and proceeded to frame the constitution, a copy of which will be found attached hereto as "Appendix E."

The constitution so framed was submitted as directed, according to the provisions of section seven (7) of Article twenty-one (21) thereof, and was ratified by five-sixths of the citizens voting thereon, by a vote small in itself, and yet large in view of the little opposition felt by the people, and of the facts that no other issue was presented and that the day of the election followed one of the severest snow storms ever known at that season and was also marked by extreme cold, rendering it practically impossible for the people of many precincts to reach the polls.

From the foregoing, it will be apparent that the people of Wyoming are almost unanimous in their desire for a state government, and that they have earnestly, harmoniously and with due observance of the proper forms, taken all the steps necessary to a formal application for admission into the Union.

PRECEDENTS FOR LIKE ACTION.

Numerous precedents for just such methods of procedure might be cited, nearly half of the whole number of states admitted since the formation of the federal Union (To wit: Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida, Iowa, Wisconsin, California and Oregon) having in like manner proceeded without enabling acts from Congress.

THE RIGHT TO ADMISSION.

Discussing briefly the grounds upon which the admission may be urged as a right, it may be declared a settled principle of the government that territory acquired by the

United States, is in the language of Chief Justice Taney (19 Howard, 446) "acquired to become a state, and not to be held as a colony and governed by Congress by absolute authority"— that " territorial governments are organized as matters of necessity, because the people are too few innumber and scant in resources to maintain a state government," but "are contrary to the spirit of our American constitution," and "are to be tolerated and continued only so as long as that necessity exists." This view has been entertained by leading statesmen from Washington's day to the present time. It found expression in the Ordinance of 1787, which, giving to the Northwest Territory at first a colonial government, yet carefully provided for an early transition to the territorial state and then for the admission of states formed therefrom, at as early a day as practicable, and on such conditions as should be deemed "consistent with the general interests of the confederacy." It also had expression in the Louisiana treaty, which secured to the government the territory out of which have been formed so many great states; the third article of which treaty says: "The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and *admitted as soon as possible*, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

The same principle is recognized in the treaty of 1848 with Mexico, whereby yet other vast areas were added to our domain.

It is by virtue of these treaties that the area embraced within our boundaries became a part of the federal domain; on which account it may of right be claimed that the principle therein enunciated has full application to the case of Wyoming.

While the expression "as soon as possible, according to the principles of the Federal Constitution" is general and indefinite, it will not be denied that it involves the idea of reasonable conditions and clearly implies a strong and solemn

obligation of the Federal Government to deal with the people of the territories in a just and equitable manner—as their fiduciary, for the time holding in trust the most sacred interests, bound to relieve them at the earliest moment, consistent with the general welfare, from the disadvantages of the territorial condition.

THE CONDITIONS REQUISITE ALREADY FULFILLED.

The proper conditions to be fulfilled by any territory seeking admission are simply these:

1. The boundaries of the proposed state should be free from the embarrassment of conflicting claims, and should include such reasonable area as will at once insure a strong and competent state and in no way disturb the policy of the Federal Government or the peace of neighboring communities.

As to this matter, the boundaries proposed for the State of Wyoming are precisely those fixed by Congress when the Territory was organized, and the physical features of the area of 98,000 square miles embraced are of such character as to favor homogeneity of population and harmony between all sections.

THE MATERIAL FOUNDATION VAST AND SUBSTANTIAL.

2. There should be a sufficient material foundation upon which to build the State.

On this head, there is but little need of enlargement, since the resources of Wyoming are already well known to the world as being unsurpassed, either in variety or extent, by those of any equal area. Of the whole area, the greater portion affords as good grazing for stock as can be found in the world; some ten million acres are fertile valley lands, irrigable by means of numerous streams, no less remarkable for the permanence of water supply than for their wide and equal distribution over the whole Territory; while the eccentric chains and spurs of mountains, much broken up and interrupted by broad stretches of valley and plain, besides

being clothed, many of them, with forests of timber, are also great storehouses of mineral wealth, containing not only gold and silver, copper and tin, but an almcst unexampled supply of other minerals, such as iron, asbestos, mica, plumbago, sulphur, mineral paint, kaolin, fire clay and gypsum; also granites, sandstones, limestones, and marbles in great variety. Moreover, outside of the mountain ranges, some twenty thousand square miles of broken and basin lands are underlaid with coal of excellent quality in veins of extraordinary thickness. Vast deposits of soda and magnesia occur in many localities; while the oil basins are so many and so extensive as to indicate that Wyoming may become one of the most important petroleum districts of the world.

IMPORTANT DEVELOPMENT ALREADY ACHIEVED.

3. It is admitted that the resources of a territory seeking admission should have been so far developed as to furnish the requisite guarantee of ability on the part of the new state to support a state government and to perform its part as a member of the family of States.

That this point has been reached by Wyoming, there is no room for doubt. Notwithstanding the recent heavy losses in the department of live stock, the total assessed valuation of property has reached in 1889 the sum of $31,431,495—a valuation representing a real wealth of not less than $100,000,000; including nine hundred miles of railway with equipment; 5,868,370 acres of land assessed; 4,508 miles of irrigating ditches, for the irrigation of 2,000,000 acres of land and valued by the Territorial engineer at $10,000,000; about 3,000,000 head of live stock; together with a large amount in roads, bridges and other general improvements, besides developed mines (those of coal alone being valued at $10,000,000 and yielding $4,000,000 to $5,000,000 worth of coal annually), with mills, furnaces and factories, and the very considerable amounts in cities and villages, characterized by the substantiality and even elegance of their structures, both public and private. Posses-

sing all these, and adding thereto her numerous extensive mercantile houses and her banks, increased from one national bank in 1871 with a capital of $75,000 to nineteen banks, national and private, in 1889, with a total capital of $1,553,000, Wyoming is abundantly able to make comparison of her industrial development and financial condition with those of any of the Territories that have gained admission since the formation of the Union—more than able to compare with many, as, for example, with California, whose assessable wealth (assuming that it was assessed at even 60 per cent. of its true value) at the date of admission was $13,297,123; Arkansas, whose valuation fourteen years after admission was $19,000,000; Florida, whose valuation four years after admission was $13,400,000; Iowa, whose valuation four years after admission was $14,400,000; Oregon, whose valuation two years after admission was $19,084,000; and Kansas, whose valuation at the date of admission was but $22,518,282.

A SUFFICIENT AND WORTHY POPULATION.

4. It is admitted that there should be such number of people with such intelligence and virtue as will constitute a reasonable guarantee of a successful and honorable career for the new State.

Touching the question of mere numbers in this case, it is proper to say that it is of necessity a matter of estimate on the basis of the vote, since the census of 1880. In 1870 the population was 9,118; in 1880, 20,789. In 1888 the vote for delegate was 18,010, nearly equal to the whole population of eight years before. The rapid increase has been on account of the extraordinary progress of agriculture, as shown by the construction of no less than 2,600 irrigating ditches within the past five years, by the increase in the amount of land assessed to owners, and finally, by the recent making of thousands of homes and the building of prosperous cities and villages in districts wholly uninhabited at the date of the last census.

Concluding on this one point, it is safe to assume that a population equal to the marvelous development faintly outlined above is a sufficient population, whether it number more or less than that of some other territories, heretofore admitted; especially when it is borne in mind that some of the great states were admitted with a population less than one-half that of Wyoming at a low estimate, and that the average population of seventeen of the states, as estimated by their own people at date of admission, was but sixty thousand.

As to character the people of Wyoming are of the very best class of American citizens, having come from the most enlightened portions of the United States and Europe. Their intelligence is manifest from the facts that those over ten years of age unable to read and write amount to two and six-tenths per cent. only; that, without government aid or a permanent school fund, they have maintained a compulsory school system since the organization of the Territory—a system under which schools of excellent character and for the education of all the children are for the most part kept open during the year; that they have founded a free university, now in the third year of its work, with building and grounds valued at $150,000, with an able faculty of eight regular instructors and several lecturers; that the property consecrated to educational uses generally, amounts to not less than $1,000,000; that free public libraries, maintained by a general county tax, have been established and liberally supported in the principle cities; that newspapers are well supported at all the centers; that numerous literary associations are in active operation for the promotion of general culture, and that an enterprising academy of sciences is already contributing to the progress of science and the arts. The virtue of the people and their active interest in all matters of social advancement are attested by the general good order of the community, the prevalence of religious organizations and the munificent provision made for the unfortunate classes, by the establishment and liberal mainte-

nance of hospitals, and of asylums for the insane, the deaf and dumb, and blind. Their integrity is also manifest from the solidity of mercantile and banking houses, the non-default of public officers, and that extraordinary financial credit of territory, counties and municipalities, which has enabled them to negotiate their securities at a premium of 5 per cent. to 12½ per cent. although bearing low rates of interest.

5. It is important that there should be such homogeneity of the population and such share in the spirit, aims and institutions of the country as will afford assurance of the requisite co-operation of the new state in furthering the great ends of the nation.

In Wyoming there are no dissensions among the people, whether on the ground of differing nationalities or diverse religions. They are as homogeneous and harmonious as the people of any of the States. In the language of the Convention's address to the people, "the residents of Wyoming are the descendants of free citizens—such as framed the Constitution of the United States. The loyalty of the sons to republican institutions and their love of liberty have not been diminished but increased by the hardships, dangers and difficulties that have been encountered and overcome in laying the foundations of the commonwealth."

A GOVERNMENT REPUBLICAN IN FORM.

6. If it be a *sine qua non* that the State government to be framed shall be "republican in form," then it may be confidently asserted that the Constitution for the State of Wyoming herewith submitted for the approval of Congress is pre-eminently republican, both in form and spirit; providing not only the usual frame of republican government, but also declaring absolute equality of rights, natural, civil and religious, and likewise guaranteeing full equality of political rights and privileges to all citizens equal to the exercise of the political function, regardless of any condition or circumstance whatsoever, other than individual incompetency, or unworthiness duly ascertained according to law.

A CONSTITUTION WITH PROPER COMPACTS AND SAFE-GUARDS.

7. The further conditions precedent that the Constitution and Ordinances offered for the approval of Congress shall duly protect the property of the United States within the proposed State, and shall make no unjust discrimination against citizens of other States; that all debts and liabilities of the Territory shall be assumed and paid by the State; that perfect toleration of religious sentiment and opinion shall be secured, and that the legislature shall make laws for the establishment and maintenance of a system of public schools open to all the children of the State, and free from sectarian control—all these conditions are entirely fulfilled by the Constitution herewith submitted.

8. If it be also a reasonable requirement that the Constitution shall afford every possible guarantee to the freedom and purity of elections, honesty and economy of legislation, competency and purity of administration, justice between man and man, just and equal taxation, with freedom from the heavy burdens of public indebtedness, reasonable limitations upon corporate power, with equal and suitable provisions for the encouragement of the industries of the State, as well as for the protection of the laboring classes of the people, then your memorialists represent that all these great interests have found in the Constitution for Wyoming all such guarantees of every sort as the representatives of the people in convention were able to devise.

WHEREFORE, The People of Wyoming, feeling the justice of their claims, present this their cause in full confidence that it will have favorable consideration from the President and Congress of the United States. We present no grievances, file no bill of complaint in their behalf. Their conviction is deep that great benefits in the form of a proper increase of public confidence and consequent influx of population and of capital, with more rapid growth of industries and a general increase of activities in every department of life, would result from statehood, while they

also crave that independence so dear to every American heart, and hence would press their claims in the strongest possible manner. They believe that there has never been a case in the whole history of the admission of states where less could have been said against the proposition on any score. Representing them, we have made demonstration of vastness and variety of resources, as a foundation for great industries, actual industrial development quite beyond that of most of the existing states when admitted, with extraordinary proofs of an advanced social state, and finally that the inhabitants of Wyoming are an intelligent, enterprising and virtuous people, more than sufficient in number to assume the responsibilities of maintaining a prosperous state—a people as worthy as competent, and strongly desiring not only the material benefits that would certainly follow admission, but also those priceless immunities and dignities which attach to self-governing powers—a people, morever, with oneness of feeling, and with earnestness of purpose to place Wyoming in the very vanguard of the Union.

Hence this petition, for the granting of which your memorialists will ever pray.

JOHN A. RINER.
CLARENCE D. CLARK.
JOHN W. HOYT.
HENRY S. ELLIOTT.
WM. C. IRVINE.
HENRY A. COFFEEN.
H. G. NICKERSON.
J. A. CASEBEER.
ELLIOTT S. N. MORGAN.
LOUIS J. PALMER.

Memorial Committee appointed by Constitutional Convention.

APPENDICES.

APPENDIX "A."

MEMORIAL

FOR STATE GOVERNMENT.

[*Introduced February 7, 1888.*]

Resolved by the Council and House of Representatives of the Tenth Legislative Assembly of the Territory of Wyoming, to memorialize the Congress of the United States of America as follows:

MEMORIAL.

The Tenth Legislative Assembly of the Territory of Wyoming, in session assembled, respectfully represents to the Congress of the United States of America the following:

The organic act of the Territory was approved on the twenty-fifth day of July, eighteen hundred and sixty-eight; the organization was completed on the nineteenth day of May, eighteen hundred and sixty-nine; as organized, the Territory has existed for nearly nineteen years.

Its coal fields are numerous and extensive, have been much worked, and are seemingly exhaustless; its iron, soda and oil fields are extensive and rich and are seemingly exhaustless; its native grasses are various, abundant and highly nutritious; contrary to former impression, its capacity for vegetable culture is very remarkable, aided by irrigation.

An extensive system of skilled irrigation has been established, is rapidly increasing and admits of large and indefinite expansion.

In his report to the Secretary of the Interior for eighteen hundred and eighty-five, the then Governor (Warren) stated the number of live stock in the Territory, consisting of horned cattle, sheep, horses and mules, at three million one hundred thousand head; and their valuation at seventy-five million dollars; and in his report to the Secretary for eighteen hundred and eighty-six, the number as increased, and the value as exceeding seventy-five million dollars; the two years were periods of exceptional market depression in live stock values, the last much more than the first.

The long, extensive and accurate experience of that Governor with the subject, and his sound and practical judgment entitle his statements to especial respect.

The report to the Secretary for eighteen hundred and eighty-seven, by the present Governor (Moonlight) does not state the number or valuation for that year; but it shows that improved methods in the raising of horned cattle are in promising progress; and that horse and sheep cultures have become extensive, are rapidly increasing, are conducted with superior intelligence, and represent large investments and fine breeds. The unmistakable ability and intelligence evinced by the report render it worthy of full confidence.

It is plain to ordinary observation, that nature intends Wyoming for a great railway area of the west division of the continent and a great railroad highway for transcontinental traffic. The Union Pacific railway traverses the southern belt of the Territory; another trunk Pacific railway has been completed partially across the Territory; and the construction of a third has nearly reached its eastern boundary.

These lines finished, lateralization will follow according to the inevitable law of trunk line development. Other and important railroads are also operating, and ordinary ob-

servation can easily foresee that within the next fourth of a century the Territory will be gridironed over by a complete railway system.

A free public and compulsory system of education is well advanced here.

The above data are moderately stated, and prepare the mind to accept the estimate of the present population of the Territory, which is stated in the Governor's report for eighteen hundred and eighty-seven at eighty-five thousand.

This assembly confidently accepts the report as correct on the subject.

It is manifest that the prosperity and welfare of the people of this Territory will advance, under state institutions, far beyond what can be realized in a territorial condition.

This Legislature respectfully requests of Congress such legislation as will enable the people of the Territory to form a constitution and state government, and for the admission of such State into the Union of the United States of America on an equal footing with the original States thereof; and that such legislation may embrace ample and gratuitous grants to such state government by the Federal Government of the lands of the latter, lying within the Territory, for the support of common schools, for the erection at the Capital of the State of public buildings for judicial and legislative purposes, or to promote the construction of such buildings; also for the erection of a penitentiary or state prison, the donated lands and the proceeds thereof to be employed as the legislature of such state government may direct, in respect to the support and conduct of schools, and the erection or construction of such judicial, legislative and penitentiary buildings, and that such legislation may further provide that a proper per centum of the proceeds of the sales of all public lands lying within said state, which shall be sold by the United States, subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be donated and paid to the said

State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State, as its Legislature shall direct.

Resolved, That a duly authenticated copy of the foregoing resolution be transmitted to the Governor of the Territory and that he stand requested to take proper steps to obtain from Congress the above desired legislation.

L. D. PEASE,
Speaker of the House of Representatives.
JOHN A. RINER,
President of the Council.

APPENDIX "B."

RESOLUTIONS

ADOPTED BY SEVERAL BOARDS OF COUNTY COMMISSIONERS.

WHEREAS, This Board of County Commissioners is satisfied, from an examination of Senate bill No. 2,445, as unanimously and favorably reported to the United States Senate by the Committee on Territories, that its provisions are absolutely fair for all sections of the Territory of Wyoming, and

WHEREAS, The board is satisfied that there should be immediate action, as there would be greater probability of success by literally and speedily following the provisions of this bill; therefore be it

Resolved, That this board pledges itself to put into operation the election machinery under the laws of the Territory, for the election of delegates to a constitutional convention, and the submission of such constitution as may be presented by the said convention to the people of this county for ratification or rejection, if the Governor, Chief Justice and Secretary of the Territory shall in their wisdom see fit to take the initiatory steps under the provisions of said Senate bill for calling into existence a constitutional convention.

Resolved, That the chairman of this board be instructed to present copies of this resolution to the Governor, Chief Justice and Secretary, with the request that if other counties of the Territory make similar requests they shall divide the Territory into districts, apportion the number of delegates to the several districts or counties, and do such other acts as may be necessary for the convening of such constitutional convention in manner and form as is provided by the terms of said Senate bill.

APPENDIX "C."

APPORTIONMENT.

WHEREAS, The Boards of County Commissioners of seven-tenths of the counties in the Territory of Wyoming have adopted resolutions requesting the Governor, Chief Justice and Secretary to divide the Territory into delegate districts, to apportion the number of delegates among the several districts, and to do such other acts as may be necessary for the convening of a constitutional convention in the manner and form provided by the terms of Senate bill 2,445, as reported with amendments to the Senate of the United States, on February 27th, 1889, by the Committee on Territories; and

WHEREAS, By the terms of said Senate bill it is provided: "The aforesaid delegates to form said convention shall be apportioned within the limits of the proposed State in such districts as may be established as herein provided, in proportion to the population in each of said districts, as near as may be, to be ascertained at the time of making said apportionment by the persons hereinafter authorized to make the same, upon the basis of the votes cast for Delegate in Congress at the last general election, in each of which districts the number of delegates apportioned to such district shall be elected. That said apportionment shall be made by the Governor, the Chief Justice, and the Secretary of the Territory. * * * * The number of Delegates to said convention shall be fifty-five."

NOW, THEREFORE, we, the Governor, Chief Justice and Secretary of the Territory of Wyoming, do certify: that in pursuance of the said resolution and of the aforesaid provisions of said Senate bill, we did convene at the Capitol in the City of Cheyenne, on this third day of June, 1889, and did then proceed to divide the Territory into delegate districts, and to apportion the number of delegates among the several districts, in proportion to the population in each of said districts, as near as may be, upon the basis of the votes cast for Delegate in Congress at the last general election, to-wit: on the 6th day of November, 1888. The total number of votes cast for Delegate in Congress at the last general election was 18,010, and the total number of votes cast in each of the counties in the Territory was as follows, to-wit:

Laramie County	3,695
Albany County	2,608
Carbon County	2,633
Sweetwater County	1,747
Uinta County	2,037
Fremont County	1,047
Johnson County	916
Sheridan County	870
Crook County	1,150
Converse County	1,307
Total	18,010

It was deemed best to divide the Territory into ten delegate districts, and to make each county a separate district. On dividing the total number of votes cast at said last general election by the number of delegates to be elected, it was ascertained that one delegate should be accredited to each three hundred and twenty-seven votes, and proceeding upon this basis, the several counties are entitled to delegates as follows: Laramie County, eleven delegates; Albany County, eight delegates; Carbon County, eight delegates; Sweetwater County, five delegates; Uinta Coun-

ty, six delegates; Fremont County, three delegates; Johnson County, three delegates; Sheridan County, three delegates; Crook County, four delegates; and Converse County, four delegates, making a total of fifty-five delegates.

We therefore certify that we have this day divided the Territory into the following delegate districts, and have apportioned the number of delegates among the several districts as follows, to-wit:

1. The County of Laramie shall constitute the First District and shall elect eleven delegates.

2. The County of Albany shall constitute the Second District and shall elect eight delegates.

3. The County of Carbon shall constitute the Third District and shall elect eight delegates.

4. The County of Sweetwater shall constitute the Fourth District and shall elect five delegates.

5. The County of Uinta shall constitute the Fifth District and shall elect six delegates.

6. The County of Fremont shall constitute the Sixth District and shall elect three delegates.

7. The County of Sheridan shall constitute the Seventh District and shall elect three delegates.

8. The County of Johnson shall constitute the Eighth District and shall elect three delegates.

9. The County of Crook shall constitute the Ninth District and shall elect four delegates.

10. The County of Converse shall constitute the Tenth District and shall elect four delegates.

We believe that this Territory is justly entitled to admission as a State, and that it is for the best interests of the Territory and its people that a constitution should be adopted and a State government organized, and application respectfully and earnestly made to the Congress of the United States for the immediate admission of the proposed State of Wyoming.

IN WITNESS WHEREOF, we have hereunto set our hands at Cheyenne, this third day of June, 1889.

FRANCIS E. WARREN, Governor.
W. L. MAGINNIS, Chief Justice.
S. D. SHANNON, Secretary.

APPENDIX "D."

PROCLAMATION

BY THE GOVERNOR.

WHEREAS, The Territory of Wyoming has the population, material resources, public intelligence and morality necessary to ensure a stable local government therein; and

WHEREAS, It has never been deemed a violation of their duties as loyal citizens of the United States, for the people of a Territory to form for themselves a Constitution and State government and to apply to Congress for admission to statehood; and

WHEREAS, On the 27th day of February, 1889, a bill with amendments entitled "A bill to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes," was favorably reported to the Senate of the United States by the committee on Territories; and a bill providing, among other things, for the admission of the proposed State of Wyoming, having been reported favorably to the House of Representatives by a like committee; and many members of the House and Senate having expressed opinions favorable to such admission; and it thus being made evident that Congress is disposed to admit Wyoming as a State whenever a suitable constitution is adopted and a State government is formed preparatory to admission; and

WHEREAS, By the general expression of the citizens thereof, the Executive is convinced that a very large ma-

jority of the people of Wyoming are desirous of forming for themselves a Constitution and State government, and of being admitted into the Union, and of exercising the rights and privileges guaranteed to a free and loyal people under the Constitution of the United States; and

WHEREAS, The Boards of County Commissioners of several Counties in the Territory have, by resolution, requested the Governor to call a constitutional convention, and have requested the Governor, Chief Justice and Secretary of the Territory, to divide the Territory into delegate districts, to apportion the number of delegates among the several districts, and to do such other acts as may be necessary for the convening of such constitutional convention in the manner and form provided by the terms of the said Senate bill; and

WHEREAS, The Governor, Chief Justice and Secretary of the Territory, on this third day of June, 1889, did convene at the Capitol in the City of Cheyenne, and did apportion the number of delegates among the several districts so established, upon the basis of the vote cast for Delegate in Congress at the last general election, as follows, to-wit:

1. The County of Laramie shall constitute the First District and shall elect eleven delegates.

2. The County of Albany shall constitute the Second District and shall elect eight delegates.

3. The County of Carbon shall constitute the Third District and shall elect eight delegates.

4. The County of Sweetwater shall constitute the Fourth District and shall elect five delegates.

5. The County of Uinta shall constitute the Fifth District and shall elect six delegates.

6. The County of Fremont shall constitute the Sixth District and shall elect three delegates.

7. The County of Sheridan shall constitute the Seventh District and shall elect three delegates.

8. The County of Johnson shall constitute the Eighth District and shall elect three delegates.

9. The County of Crook shall constitute the Ninth District and shall elect four delegates.

10. The County of Converse shall constitute the Tenth District and shall elect four delegates.

NOW THEREFORE, recognizing the superior and material advantages of a State government over our Territorial system, and being desirous of carrying into effect the will of the people, I, Francis E. Warren, Governor of the Territory of Wyoming, do issue this, my proclamation to the people of the Territory, recommending that they take such action on their part as may be necessary to secure the admission of Wyoming into the Union of States; and for this purpose I direct that an election be held throughout the Territory, on the second Monday of July, 1889, for the election of delegates to a constitutional convention to convene at Cheyenne, the capital of the Territory, at twelve o'clock noon of the first Monday of September, 1889, for the purpose of framing a constitution for the State of Wyoming, and for the purpose of submitting such constitution to the people thereof, for their ratification or rejection.

I suggest that, in organizing a State government preparatory to admission, the provisions of the aforesaid Senate bill should be followed, as nearly as may be possible, and in pursuance thereof the following recommendations are hereby made:

First. The number of delegates to such constitutional convention shall be fifty-five, apportioned among the several districts as hereinbefore set forth.

Second. The delegates apportioned to each district shall be elected exclusively in that district.

Third. Persons who are qualified by the laws of the Territory to vote for representatives to the legislative assembly thereof are hereby authorized to vote for and choose delegates to such constitutional convention.

Fourth. The qualifications for delegates to such constitutional convention shall be such as, by the laws of the Territory, persons are required to possess to be eligible to the legislative assembly thereof.

Fifth. Such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued, in the same manner as is prescribed by the laws of the Territory regulating elections therein for Delegate to Congress.

Sixth. Since the advantages to be obtained by statehood will depend somewhat upon the judicious action of the constitutional convention, it is desirable that the delegates should be representative men, of character and ability, whose work will be satisfactory to Congress and beneficial to the people of the proposed State of Wyoming. The character and fitness of the delegates to be chosen is in fact of greater importance than the manner of their selection, and if the citizens of any County generally prefer to elect their delegates by some equitable method other than that hereinbefore prescribed, it is believed that the delegates so chosen will be recognized and admitted to seats in the convention.

Seventh. The constitution formed by such convention shall be submitted to the people of the Territory for ratification or rejection, on the first Tuesday in November, 1889.

Eighth. The convention should fix the per diem and mileage of its members and employes, and certificates of service and expenditure should be made by the officers of the convention and filed with the Secretary of the Territory, as Congress will, without doubt, follow its own precedents in providing for the payment thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Wyoming to be affixed at Cheyenne, at the Capitol, on this Third Day of June, in the year of our Lord, One Thousand Eight Hundred and Eighty-Nine, and of the Independence of the United States of America, the One Hundred and Thirteenth.

[SEAL.]

FRANCIS E. WARREN.

By the Governor:

SAMUEL D. SHANNON,
Secretary of Territory.

APPENDIX "E."

CONSTITUTION

—OF—

THE STATE OF WYOMING.

PREAMBLE.

We, the People of the State of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this Constitution.

ARTICLE No. I.

DECLARATION OF RIGHTS.

SECTION 1. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

SEC. 2. In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.

SEC. 3. Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the

laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

SEC. 4. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.

SEC. 5. No person shall be imprisoned for debt except in cases of fraud.

SEC. 6. No person shall be deprived of life, liberty or property without due process of law.

SEC 7. Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 8. All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the State in such manner and in such courts as the legislature may by law direct.

SEC. 9. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may find an indictment, but the legislature may change, regulate or abolish the grand jury system.

SEC. 10. In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

SEC. 12. No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

SEC. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

SEC. 14. All persons shall be bailable by sufficient sureties, except for capital offences when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.

SEC. 15. The penal code shall be framed on the humane principles of reformation and prevention.

SEC. 16. No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

SEC. 17. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 18. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this State, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any matter of religious belief whatever; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State.

SEC. 19. No money of the State shall ever be given or appropriated to any sectarian or religious society or institution.

SEC. 20. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right; and in all trials for libel, both civil and criminal, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts and the law, under direction of the court.

SEC. 21. The right of petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

SEC. 22. The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State.

SEC. 23. The right of citizens to opportunities for education should have practical recognition. The Legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

SEC. 24. The right of citizens to bear arms in defense of themselves and of the State shall not be denied.

SEC. 25. The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 26. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attainted of treason by the legislature.

SEC. 27. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammeled exercise of the right of suffrage.

SEC. 28. No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be equal and uniform.

SEC. 29. No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment and descent of property.

SEC. 30. Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed. Corporations being creatures of the state, endowed for the public good with a portion of its sovereign powers, must be subject to its control.

SEC. 31. Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved.

SEC. 32. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

SEC. 33. Private property shall not be taken or damaged for public or private use without just compensation.

SEC. 34. All laws of a general nature shall have a uniform operation.

SEC. 35. No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

SEC. 36. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

SEC. 37. The State of Wyoming is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

ARTICLE No. II.

BOUNDARIES.

SECTION 1. The boundaries of the State of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to place of beginning.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this State are divided into three distinct departments: the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE No. III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of representatives, which shall be designated "The Legislature of the State of Wyoming."

SEC. 2. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and

who is not a citizen of the United States and of this State and who has not, for at least twelve months next preceding his election resided within the county or district in which he was elected.

SEC. 3. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively.

SEC. 4. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

SEC. 5. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

SEC. 6. Each member of the first legislature, as a compensation for his services, shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite or allowance whatever. No session of the legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation.

SEC. 7. The legislature shall meet at the seat of government at twelve o'clock, noon, on the second Tuesday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

SEC. 8. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the State, and no member of congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

SEC. 9. No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

SEC. 10. The senate shall, at the beginning and close of each regular session and at such other times as may be nescessary, elect one of its members president; the house of representatives shall elect one of its members speaker; each house shall choose its other officers, and shall judge of the election returns and qualifications of its members.

SEC. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either house of the legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offence.

SEC. 13. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secresy, and the yeas and nays on any question, shall, at the request of two members, be entered on the journal.

SEC. 14. The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. The members of the legislature shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 17. The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 18. The governor and other state and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SEC. 19. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 20. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SEC. 21. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Wyoming."

SEC. 22. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

SEC. 24. No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 25. No bill shall become a law, except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 26. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended, shall be re-enacted and published at length.

SEC. 27 The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county

seats; regulating county or township affairs; incorporation of cities, towns or villages; or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, per centages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extinguishing, in whole or in part, the indebtedness, liabilities or obligation of any corporation or person to this state or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of offices in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable no special law shall be enacted.

SEC. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature immediately after their titles have been publicly read and the fact of signing shall be at once entered upon the journal.

SEC. 29. The legislature shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the state treasury, or be in any way authorized to any such person except to an acting officer or employe elected or appointed in pursuance of law.

SEC. 30. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services are rendered or contract made.

SEC. 31. All stationery, printing, paper, fuel and lights used in the legislature and other departments of government, shall be furnished, and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

SEC. 32. Except as otherwise provided in this constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

SEC. 33. All bills for raising revenue shall originate

in the house of representatives; but the senate may propose amendments, as in case of other bills.

SEC. 34. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 35. Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

SEC. 36. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 37. The legislature shall not delegate to any special commissioner, private corporation or association, any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.

SEC. 38. No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stock of any private corporation.

SEC. 39. The legislature shall have no power to pass any law authorizing the State or any county in the State, to contract any debt or obligation in the construction of any railroad, or give or loan its credit to or in aid of the construction of the same.

SEC. 40. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature; nor shall such liability or ob-

ligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 41. Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be re-passed by two-thirds of both houses, as prescribed in the case of a bill.

SEC. 42. If any person elected to either house of the legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or to be introduced into the legislature, in consideration or upon condition that any other person elected to the same legislature will give, or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislature, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislature shall give his vote or influence for or against any measure or proposition pending or to be introduced in such legislature, or offer, promise or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or to be introduced in such legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such legislature, he shall be deemed guilty of bribery, and any member of the legislature, or person elected thereto, who shall be guilty of either of such offences, shall be expelled and shall not thereafter be eligible to the legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

SEC. 43. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive

or judicial officer or member of the legislature, to influence him in the performance of any of his official duties shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 44. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this State.

SEC. 45. The offence of corrupt solicitation of members of the legislature or of public officers of the State, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punishable by fine and imprisonment.

SEC. 46. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

APPORTIONMENT.

SECTION 1. One representative in the congress of the United States shall be elected from the State at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the State into congressional districts accordingly.

SEC. 2 The legislature shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter, and at the session next fol-

lowing such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on a basis of such enumeration according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

SEC. 4. Until an apportionment of senators and representatives as otherwise provided by law, they shall be divided among the several counties of the State in the following manner:

Albany county, two senators and five representatives.
Carbon county, two senators and five representatives.
Converse county, one senator and three representatives.
Crook county, one senator and two representatives.
Fremont county, one senator and two representatives.
Laramie county, three senators and six representatives.
Johnson county, one senator and two representatives.
Sheridan county, one senator and two representatives.
Sweetwater county, two senators and three representatives.
Uinta county, two senators and three representatives.

ARTICLE No. IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

SEC. 2. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be

eligible to any other office during the term for which he was elected.

SEC. 3. The governor shall be elected by the qualified electors of the State at the time and place of choosing members of the legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The governor shall be commander-in-chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

SEC. 5. The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported to the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislature at each regular session each case

of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve with his reasons for granting the same.

SEC. 6. If the governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable or performing the duties of his office or be absent from the State, the secretary of State shall act as governor until the vacancy is filled or the disability removed.

SEC. 7. When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill the same by appointment.

SEC. 8. Every bill which has passed the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the legislature by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same with his objections in the office of the secretary of State within fifteen days after such adjournment.

SEC. 9. The governor shall have power to disapprove of any item or items or part or parts of any bill making ap-

propriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 10. Any governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature; or who threatens any member that he, the governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

SEC. 11. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislature, a secretary of state, auditor, treasurer, and superintendent of public instruction, who shall have attained the age twenty-five years respectively, shall

be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other State officers as are deemed necessary.

SEC. 12. The powers and duties of the secretary of State, of State auditor, treasurer and superintendent of public instruction shall be as prescribed by law.

SEC. 13. Until otherwise provided by law, the governor shall receive an annual salary of two thousand five hundred dollars, the secretary of State, State auditor, State treasurer and superintendent of public instruction shall each receive an annual salary of two thousand dollars, and the salaries of any of the said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the State treasury.

SEC. 14. The legislature shall provide for a State examiner, who shall be appointed by the governor and confirmed by the Senate. His duty shall be to examine the accounts of State treasurer, supreme court clerks, district court clerks, and all county treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the legislature. His compensation shall be fixed by law.

SEC. 15. There shall be a seal of State which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the secretary of State and used by him officially as directed by law.

SEC. 16. The seal of the Territory of Wyoming as now used shall be the seal of the State until otherwise provided by law.

ARTICLE No. V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration and such courts as the legislature may, by general law, establish for incorporated cities or incorporated towns.

SEC. 2. The supreme court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

SEC. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the State or any judge thereof.

SEC. 4. The supreme court of the state shall consist of three justices who shall be elected by the qualified electors of the State at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years and one at

the end of six (6) years and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

SEC. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.

SEC. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

SEC. 7. At least two terms of the supreme court shall be held annually at the seat of government at such times as may be provided by law.

SEC. 8. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State or Territory at least three years.

SEC. 9. There shall be a clerk of the supreme court who shall be appointed by the justices of said court and shall

hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

SEC. 10. The district court shall have original jurisdiction of all causes both at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

SEC. 11. The judges of the district courts may hold courts for each other and shall do so when required by law.

SEC. 12. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Wyoming at least two years next preceding his election.

SEC. 13. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

SEC. 14. The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such chamber business in the absence of the dis-

trict judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

SEC. 15. The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

SEC. 16. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

SEC. 17. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.

SEC. 18. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.

SEC. 19. Until otherwise provided by law, the State shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

SEC. 20. Until otherwise provided by law, said judicial districts shall be constituted as follows:

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.

SEC. 21. The legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the State shall exceed one hundred million dollars ($100,000,000.)

SEC. 22. The legislature shall provide by law for the election of justices of the peace in each organized county within the State. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

SEC. 23. Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

SEC. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 25. No judge of the supreme or district court shall act as attorney or counsellor at law.

SEC. 26. Until the legislature shall provide by law

for fixing the terms of courts, the judges of the supreme court and district courts shall fix the terms thereof.

SEC. 27. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

SEC. 28. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

SEC. 29. The legislature may provide by law, for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide the judgment of such arbitrators.

SEC. 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the State, and the manner of taking such appeals shall be prescribed by law.

ARTICLE No. VI.

SUFFRAGE.

SECTION 1. The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges.

SEC. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

SEC. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. No person shall be deemed a qualified elector of this State, unless such person be a citizen of the United States.

SEC. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

SEC. 7. No elector shall be deemed to have lost his residence in the State, by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

SEC. 8. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

SEC. 9. No person shall have the right to vote who shall not be able to read the Constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

SEC. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

SEC. 11. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling

place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

SEC. 12. No person qualified to be an elector of the State of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in the State, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the State shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

ELECTIONS.

SEC. 13. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

SEC. 14. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

SEC. 15. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

SEC. 16. Every person holding any civil office under the State or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending

any officer in his functions, pending impeachment or prosecution for misconduct in office.

QUALIFICATIONS FOR OFFICE.

SEC. 17. All general elections for state and county officers, for members of the house of representatives and the senate of the State of Wyoming, and representatives to the congress of the United States, shall be held on the Tuesday next following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

SEC. 18. All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

SEC. 19. No member of congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The legislature may by law declare what offices are incompatible.

OATH OF OFFICE.

SEC. 20. Senators and Representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done

by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

SEC. 21. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the supreme court shall be filed in the office of the secretary of State, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this State. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

ARTICLE No. VII.

EDUCATION.

SECTION 1. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the State allow, and such other institutions as may be necessary.

SEC. 2. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to-wit: Such per centum as has been or may hereafter be granted by congress on the sale of lands in this State; all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in

the State, and the lands selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this State, where by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that may come to the State by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school fund.

SEC. 3. To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this State and not otherwise appropriated by the terms of the grant, gift or devise.

SEC. 4. All moneys, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be securely invested and sacredly preserved in the several counties as a county public school fund, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the State.

SEC. 5. All fines and penalties under general laws of the State shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

SEC. 6. All funds belonging to the State for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the State, which shall keep them for the exclusive benefit of the public schools, and shall make good any losses that may in any manner occur, so that the same shall remain forever inviolate and undiminished. None of such funds shall ever be invested or loaned except on the bonds issued by school districts, or registered county bonds of the State, or State securities of this State, or of the United States.

SEC. 7. The income arising from the funds mentioned

in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support of free schools in every county in the State.

SEC. 8. Provision shall be made by general law for the equitable distribution of such income among the several counties according to the number of children of school age in each; which several counties shall in like manner distribute the proportion of said fund by them received respectively to the several school districts embraced therein. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

SEC. 9. The legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all the youth of the State, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

SEC. 10. In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color.

SEC. 11. Neither the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools.

SEC. 12. No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled

by the State, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution.

SEC. 14. The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.

THE UNIVERSITY.

SEC. 15. The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress.

SEC. 16. The university shall be equally open to students of both sexes, irrespective of race or color; and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency shall be raised by taxation or otherwise, under provisions of the legislature.

SEC. 17. The legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the governor by and with the advice and consent of the senate, and the president of the

university, and the superintendent of public instruction, as members ex-officio, as such having the right to speak but not to vote. The duties and powers of the trustees shall be prescribed by law.

CHARITABLE AND PENAL INSTITUTIONS.

SEC. 18. Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the State in such manner as the legislature may prescribe. They shall be under the general supervision of a State board of charities and reform, whose duties and powers shall be prescribed by law.

SEC. 19. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the State of Wyoming, and such of said institutions as are then in actual operation, shall thereafter have the supervision of the board of charities and reform, as provided in the last preceding section of this article, under provisions of the legislature.

PUBLIC HEALTH AND MORALS.

SEC. 20. As the health and morality of the people are essential to their well-being, and to the peace and permanence of the State, it shall be the duty of the legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

PUBLIC BUILDINGS.

SEC. 21. All public buildings and other property belonging to the Territory shall, upon the adoption of this constitution, become the property of the State of Wyoming.

SEC. 22. The construction, care and preservation of all public buildings of the State not under the control of the board or officers of public institutions by authority of law

shall be entrusted to such officers or boards, and under such regulations as shall be prescribed by law.

SEC. 23. The legislature shall have no power to change or to locate the seat of government, the State university, insane asylum, or State penitentiary, but may, after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent locations thereof, respectively, to the qualified electors of the State, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but for said period of ten (10) years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the City of Cheyenne, in the County of Laramie. The State university shall be located at the City of Laramie, in the County of Albany. The insane asylum shall be located at the town of Evanston, in the County of Uinta. The penitentiary shall be located at the City of Rawlins, in the County of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people.

ARTICLE No. VIII.

IRRIGATION AND WATER RIGHTS.

SECTION 1. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the State, are hereby declared to be the property of the State.

SEC. 2. There shall be constituted a board of control, to be composed of the State engineer and superintendents of the water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the

waters of the State and of their appropriation, distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the Courts of the State.

SEC. 3. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

SEC. 4. The legislature shall by law divide the State into four (4) water divisions, and provide for the appointment of superintendents thereof.

SEC. 5. There shall be a State engineer who shall be appointed by the governor of the State and confirmed by the senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control, and shall have general supervision of the waters of the State and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

ARTICLE No. IX.

MINES AND MINING.

SECTION 1. There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

SEC. 2. The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this State.

SEC. 3. No boy under the age of fourteen years and no woman or girl of any age shall be employed or per-

mitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein; provided, however, this provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

SEC. 4. For any injury to person or property caused by wilful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

SEC. 5. The legislature may provide that the science of mining and metallurgy be taught in one of the institutions of learning under the patronage of the State.

SEC. 6. There shall be a state geologist, who shall be appointed by the governor of the State, with the advice and consent of the senate. He shall hold his office for a term of six (6) years or until his successor shall have been appointed and shall have qualified. His duties and compensations shall be prescribed by law. No person shall be appointed to this position unless he has such theoretical knowledge and such practical experience and skill as shall fit him for the position; said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law.

ARTICLE No. X.

CORPORATIONS.

SECTION 1. The legistature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended or repealed by the legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this State may as to such business be regulated, limited or restrained by law not in conflict with the constitution of the United States.

SEC. 2. All powers and franchises of corporations are derived from the people and are granted by their agent, the government, for the public good and general welfare, and the right and duty of the State to control and regulate them for these purposess is hereby declared. The power, rights and privileges of any and all corporations may be forfeited by wilful neglect or abuse thereof. The police power of the State is supreme over all corporations as well as individuals.

SEC. 3. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed and which shall not have been maintained in good faith to the time of the adoption of this constitution shall thereafter have no validity.

SEC. 4. No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employe waiving any right to recover damages for causing the death or injury of any employe shall be void.

SEC. 5. No corporation organized under the laws of Wyoming Territory or any other jurisdiction than this State, shall be permitted to transact business in this State until it shall have accepted the constitution of this State and filed such acceptance in accordance with the laws thereof.

SEC. 6. No corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of incorporation.

SEC. 7. All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines and telephones, are declared to be common carriers.

SEC. 8. There shall be no consolidation or combination of corporations of any kinds whatever to prevent competition, to control or influence productions or prices thereof, or in any manner to interfere with the public good and general welfare.

SEC. 9. The right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. The legislature shall provide by suitable legislation for the organization of mutual and co-operative associations or corporations.

RAILROADS.

SECTION. 1. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this State and to connect at the State line with railroads of other states. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad, and all railroads shall receive and transport each other's passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 2. Railroad and telegraph lines heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways and common carriers, and as such must be made by law to extend the same

equality and impartiality to all who use them, excepting employes and their families and ministers of the gospel, whether individuals or corporations.

SEC. 3. Every railroad corporation or association operating a line of railroad within this State shall annually make a report to the auditor of State of its business within this State, in such form as the legislature may prescribe.

SEC. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

SEC. 5. Neither the State, nor any county, township, school district or municipality shall loan or give its credit or make donations to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township or school district, contracted prior to the adoption of this constitution.

SEC. 6. No railroad or other transportation company or telegraph company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of State an acceptance of the provisions of this constitution.

SEC. 7. Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines.

SEC. 8. No foreign railroad or telegraph line shall do any business within this State without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

SEC 9. No railroad company shall construct or operate a railroad within four (4) miles of any existing town or city without providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said

stopping place. No railroad company shall deviate from the most direct practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

ARTICLE No. XI.

(Transferred to Article No. II.)

ARTICLE No. XII.

COUNTY ORGANIZATION.

SECTION 1. The several counties in the Territory of Wyoming as they shall exist at the time of the admission of said Territory as a State, are hereby declared to be the counties of the State of Wyoming.

SEC. 2. The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three million of dollars of assessable valuation; and no new county shall be organized, nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

SEC. 3. The legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

SEC. 4. The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

SEC. 5. The legislature shall provide by law for the election of such county officers as may be necessary.

ARTICLE No. XIII.

MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four (4), and the powers of each class shall be defined by general laws, so that no such corporation shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the territory may abandon such charter and reorganize under the general laws of the State.

SEC. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

SEC. 3. The legislature shall restrict the powers of such corporations to lexy taxes and assessments, to borrow money and contract debts so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.

SEC. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

SEC. 5. Municipal corporations shall have the same

right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

ARTICLE No. XIV.

SALARIES.

SECTION 1. All State, city, county, town and school officers, (excepting justices of the peace and constables in precincts having less than fifteen hundred population, and excepting court commissioners, boards of arbitration and notaries public) shall be paid fixed and definite salaries. The legislature shall, from time to time, fix the amount of such salaries as are not already fixed by this constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

SEC. 2. The legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than fifteen hundred population, and of court commissioners, boards of arbitration and notaries public, which fees the said officers shall accept as their full compensation. But all other State, county, city, town and school officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same. Provided, that in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

SEC. 3. The salaries of county officers shall be fixed by law within the following limits, to-wit: In counties having an assessed valuation not exceeding two millions ($2,000,000) of dollars, the sheriff shall be paid not more than fifteen hundred dollars per year. The county clerk shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than twelve hundred ($1,200) dollars per year. The county treasurer shall not be paid more than one thousand ($1,000) dollars per year. The county assessor shall not be paid more than one thousand ($1,000) dollars per year. The county superintendent of schools shall not be paid more than five hundred ($500) dollars per year.

In counties having an assessed valuation of more than two millions ($2,000,000) of dollars and not exceeding five millions ($5,000,000) of dollars, the sheriff shall not be paid more than two thousand ($2,000) dollars per year. The county clerk shall not be paid more than eighteen hundred ($1,800) dollars per year. The county treasurer shall not be paid more than eighteen hundred ($1,800) dollars per year. The county assessor shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than fifteen hundred ($1,500) dollars per year. The county superintendent of schools shall not be paid more than seven hundred and fifty ($750) dollars per year.

In counties having more than five millions ($5,000,000) dollars assessed valuation, the sheriff shall not be paid more than two thousand ($2,000) dollars per year. The county clerk shall not be paid more than two thousand ($2,000) dollars per year. The county treasurer shall not be paid more than two thousand ($2,000) dollars per year. The county assessor shall not be paid more than fifteen hundred ($1,500) dollars per year. The county and prosecuting attorney shall not be paid more than twenty-five hundred ($2,500) dollars per year. The county superintendent of schools shall not be paid more than one thousand ($1,000)

dollars per year. The county surveyor in each county shall receive not to exceed eight ($8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

SEC. 4. The legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

SEC. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by Section 3 of this article, regardless of the title by which their offices may hereafter be designated.

SEC. 6. Whenever practicable the legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in State, county and municipalities respectively, and whenever so consolidated, the duties of such additional office shall be performed under an ex-officio title.

ARTICLE No. XV.

TAXATION AND REVENUE.

SECTION 1. All lands and improvements thereon shall be listed for assessment, valued for taxation and assessed separately.

SEC. 2. All coal lands in the State from which coal is not being mined shall be listed for assessment, valued for taxation and assessed according to value.

SEC. 3. All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposit, is or may be produced shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law; provided, that the product of all mines shall be taxed in proportion to the value thereof.

SEC. 4. For State revenue, there shall be levied annually a tax not to exceed four mills on the dollar of the

assessed valuation of the property in the State except for the support of State educational and charitable institutions, the payment of the State debt and the interest thereon.

SEC. 5. For county revenue there shall be levied annually a tax not to exceed twelve mills on the dollar for all purposes including general school tax, exclusive of state revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

SEC. 6. No incorporated city or town shall levy a tax to exceed eight mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

SEC. 7. All money belonging to the State, or to any county, city, town, village or other sub-division therein, except as herein otherwise provided, shall, whenever practicable, be deposited in a national bank or banks, or in a bank or banks incorporated under the laws of this State; provided, that the bank or banks in which such money is deposited shall furnish security to be approved as provided by law, and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

SEC. 8. The making of profit, directly or indirectly, out of State, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 9. There shall be a state board, composed of the state auditor, treasurer and secretary of state.

SEC. 10. The duties of the state board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, roadbed, rails and

rolling stock and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this state; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property; provided, that the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the state revenue and such other duties as may be prescribed by law.

SEC. 11. All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

SEC. 12. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the legislature may by general law provide.

SEC. 13. No tax shall be levied, except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 14. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State or any county or other municipal corporation shall be a party.

ARTICLE No. XVI.

PUBLIC INDEBTEDNESS.

SECTION 1. The State of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the State, as shown by the last general assessment for taxation, pre-

ceding; except to suppress insurrection or to provide for the public defense.

SEC. 2. No debt in excess of the taxes for the current year, shall in any manner be created in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

SEC. 3. No county in the State of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other sub-division thereof in the State of Wyoming, may bond its public debt existing at the time of the adoption of this constitution, in any sum not exceeding four per centum on the assessed value of the taxable property in such county, city, town, village or other sub-division, as shown by the last general assessment for taxation.

SEC. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

SEC. 5. No city, town or village, or any sub-division thereof, or any sub-division of any county of the State of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum on the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum on the assessed value of the taxable property therein as shown by the last preceding general assessment, for purpose of building sewerage therein, debts contracted for supplying water to such city or town are excepted from the operation of this section.

SEC. 6. Neither the State nor any county, city, town-

ship, town, school-district, or any other political sub-division, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The State shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

SEC. 7. No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or political sub-division, shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

SEC. 8. No bond or evidence of indebtedness of the State shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of State that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision, shall be valid unless the same have endorsed thereon a certificate signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

ARTICLE No. XVII.

STATE MILITIA.

SECTION 1. The militia of the State shall consist of all able-bodied male citizens of the State, between the ages of eighteen and forty-five years; except such as are exempted by the laws of the United States or the State. But all such citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for the enrollment, equipment and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the Governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.

SEC. 4. No military organization under the laws of the State shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

SEC. 5. The governor shall be commander-in-chief of all the military forces of the State, and shall have power to call out the militia to preserve the public peace, to execute the laws of the State, to suppress insurrection or repel invasion.

ARTICLE No. XVIII.

PUBLIC LANDS AND DONATIONS.

SECTION 1. The State of Wyoming hereby agrees to accept the grants of lands heretofore made, or that may be hereafter made by the United States to the State, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of congress, making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than $10 per acre. Provided, that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres at a sum not less than the appraised

value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If, at any time hereafter, the United States shall grant any arid lands in the State to the State, on condition that the State reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

SEC. 2. The proceeds from the sale and rental of all lands and other property donated, granted or received, or that may hereafter be donated, granted or received, from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gifts.

SEC. 3. The governor, superintendent of public instruction and secretary of State shall constitute a board of land commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the State.

SEC. 4. The legislature shall enact the necessary laws for the sale, disposal, leasing or care of all lands that have been or may hereafter be granted to the State, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by congress to the State, and shall pass laws for the suitable keeping, transfer and disbursement of the land grant funds, and shall require of all officers charged with the same or the safe keeping thereof to give ample bonds for all moneys and funds received by them.

SEC. 5. Except a preference right to buy as in this constitution otherwise provided, no law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any of the school lands granted to the State subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly.

SEC. 6. If any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become a part of the said school fund.

ARTICLE No. XIX.

MISCELLANEOUS.

HOMESTEADS.

SECTION 1. A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon.

LIVE STOCK.

SECTION 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, and other infectious or contagious diseases. The legislature shall also establish a system of quarantine, or inspection, and such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests within the State.

CONCERNING LABOR.

SECTION 1. Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all State and municipal works.

LABOR ON PUBLIC WORKS.

SECTION 1. No person not a citizen of the United States or who has not declared his intentions to become such, shall be employed upon or in connection with any State, county or municipal works or employment.

SEC. 2. The legislature shall by appropriate legisla-

tion see that the provisions of the foregoing section are enforced.

LABOR CONTRACTS.

SECTION 1 It shall be unlawful for any person, company or corporation, to require of its servants or employes as a condition of their employment, or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employes, while in service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

POLICE POWERS.

SECTION 1. No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this State, for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened.

ARTICLE No. XX.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the legislature.

SEC. 4. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE No. XXI.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the Territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the Territory of Wyoming, shall be as valid as if issued in the name of the State.

SEC. 2. All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the Territory of Wyoming, at the time of the adoption of this constitution, shall be vested in and become the property of the state of Wyoming.

SEC. 3. All laws now in force in the Territory of

Wyoming, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 4. All fines, penalties, forfeitures and escheats, accruing to the Territory of Wyoming, shall accrue to the use of the State.

SEC. 5. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds, obligations or other undertakings executed to this Territory, or to any officer in his official capacity, shall pass over to the proper State authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 6. All officers, civil and military, holding their offices and appointments in this Territory, under the authority of the United States or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this constitution.

SEC. 7. This constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this Territory, at an election to be held on the first Tuesday in November, A. D. 1889. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the secretary of said Territory, who with the governor and chief justice thereof, or any two of them, shall canvass the same and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast

thereon and a copy of said constitution, articles, propositions and ordinances. At the said election the ballots shall be in the following form: "For the Constitution—Yes. No." And as a heading to each of said ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the constitution may erase the word 'No.' All persons who desire to vote against the constitution may erase the word 'Yes.'" Any person may have printed or written on his ballot only the words: "For the Constitution" or "Against the Constitution," and such ballots shall be counted for or against the constitution accordingly.

SEC. 8. This constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

SEC. 9. Immediately upon the admission of the Territory as a State, the governor of the Territory, or in case of his absence or failure to act, the secretary of the Territory, or in case of his absence or failure to act, the president of this convention, shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county calling an election by the people for all State, district and other officers, created and made elective by this constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the Territory as a State.

SEC. 10. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for delegate to congress, and county and other offices. Every qualified elector of the Territory at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

SEC. 11. The governor, secretary of the Territory and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of congress, all state and district officers and members of the legislature. The said board shall assemble at the seat of government of the Territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all state and district officers and members of the legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegate to congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the secretary of the Territory an abstract certified by them, of the number of votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

SEC. 12. All officers elected at such election, except members of the legislature shall, within thirty days after they have been declared elected, take the oath required by this constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory or district, and shall thereupon enter upon the duties of their respective offices; but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. The governor elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of said proclamation. Within ten days after the organization of the legislature, both houses of the legislature, in joint session, shall then and there proceed to elect, as provided by law, two senators of the United States for the State of Wyoming. At said election the two persons who shall receive the ma-

jority of all the votes cast by said senators and representatives shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said senators certifying his election, which certificates shall also be signed by the governor and attested by the secretary of State.

SEC. 14. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

SEC. 15. Whenever any two of the judges of the supreme court of the State, elected under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State; and until so superceded the supreme court of the Territory and the judges thereof shall continue with like powers and jurisdiction, as if this constitution had not been adopted. Whenever the judge of the district court of any district, elected under the provisions of this constitution, shall have qualified in office, the several causes then pending in the district court of the Territory, within any county in such district, and the records, papers and proceedings of said district court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county; and until the district courts of this Territory shall be superceded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

SEC. 16. Until otherwise provided by law the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

SEC. 17. Whenever this constitution shall go into ef-

fect, records and papers and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the district court of the same county, and the said district court shall proceed to final decree or judgment order or other determination in the said several matters and causes, as the said probate court might have done if this constitution had not been adopted.

SEC. 18. Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this constitution, until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

SEC. 19. All county and precinct officers who may be in office at the time of the adoption of this constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

SEC. 20. Members of the legislature and all State officers, district and supreme judges elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

SEC. 21. If the first session of the legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

SEC. 22. The first regular election that would otherwise occur following the first session of the legislature, shall be omitted, and all county and precinct officers elected at

the first election held under this constitution shall hold their office for the full term thereof commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

SEC. 23. This convention does hereby declare on behalf of the people of the Territory of Wyoming, that this constitution has been prepared and submitted to the people of the Territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a State government until such time as the congress of the United States shall enact a law for the admission of the Territory of Wyoming as a State under its provisions.

ORDINANCES

The following article shall be irrevocable without the consent of the United States and the people of this State:

SECTION 1. The State of Wyoming is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

SEC. 3. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States and that said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein, belonging to, or which may

hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this State from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of Congress granting the same.

SEC. 4. All bebts and liabilities of the Territory of Wyoming shall be assumed and paid by this State.

SEC. 5. The legislature shall make laws for the establishment and maintenance of systems of public schols which shall be open to all the children of the State and free from sectarian control.

Done in open convention, at the City of Cheyenne, in the Territory of Wyoming, this 30.h day of September, in the year of our Lord one thousand eight hundred and eighty-nine. Attest:

JOHN K. JEFFREY,
Secretary.

SIGNATURES OF MEMBERS OF THE CONSTITUTIONAL CONVENTION.

MELVILLE C. BROWN, President.
JOHN K. JEFFREY, Secretary.
GEO. W. BAXTER.
A. C. CAMPBELL.
J. A. CASEBEER.
C. D. CLARK.
HENRY A. COFFEEN.
ASBURY B. CONAWAY.
HENRY S. ELLIOTT.
MORTIMER N. GRANT.
HENRY G. HAY.
FREDERICK H. HARVEY.
MARK HOPKINS.
JOHN W. HOYT.
WM. C. IRVINE.
JAMES A. JOHNSTON.
JESSE KNIGHT.
ELLIOTT S. N. MORGAN.
EDWARD J. MORRIS.
JOHN M. McCANDLISH.
HERMAN F. MENOUGH.
CALEB P. ORGAN.
LOUIS J. PALMER.
C. W. HOLDEN.
H. G. NICKERSON.
A. L. SUTHERLAND.
W. E. CHAPLIN.
JONATHAN JONES.
JOHN L. RUSSELL.
GEO. W. FOX.
FRANK M. FOOTE.
CHAS. H. BURRITT.
CHAS. N. POTTER.
D. A. PRESTON.

JOHN A. RINER.
GEO. C. SMITH.
H. E. TESCHEMACHER.
C. L. VAGNER.
THOS. R. REID.
ROBT. C. BUTLER.

(Other members were obliged to leave before the Constitution had been engrossed.)

Variations from original copy of Constitution (as filed in office of secretary of the Territory) made by direction of revision committee:

ARTICLE NO. 11, BOUNDARIES,

Inserted as one section of Article No. 2.

ARTICLE NO. 19, MISCELLANEOUS.

Sections on ARBITRATION and BOARD OF ARBITRATION inserted as Sections 28 and 29 of Article No. 5; JUDICIAL DEPARTMENT, Section 28 of same Article being made Section 30.

ARTICLE NO. 7, EDUCATION.

Section 13. Omitted as being identical in substance with Section 3, Article No. 18, PUBLIC LANDS AND DONATIONS:

SEC. 13. The governor, secretary of state, state treasurer and superintendent of public instruction shall constitute the board of land commissions, which, under direction of the legislature, as limited by this constitution, shall have direction, control, leasing and disposal of the lands of the State granted, or which may be hereafter granted for the support and benefit of public schools, subject to the further limitations that the sale of all lands shall be at public auction, after such delay (not less than the time fixed by congress) in portions at proper intervals of time, and at such minimum prices (not less than the minimum fixed by congress) as to realize the largest possible proceeds.

TERRITORY OF WYOMING,
SECRETARY'S OFFICE,
CHEYENNE, November 27, 1889.

I do hereby certify that the annexed and foregoing printed copy of the Constitution of the proposed State of Wyoming, is a true and correct copy of the original thereof, as filed in this office on the 30th day of September, A. D. 1889, with the exception of the variations noted on page 75 of said printed copy.

I further certify That said Constitution was submitted, for adoption or rejection, to a vote of the qualified electors of said Territory, at an election held on Tuesday. the fifth day of November, A. D. 1889, and that a majority of the votes cast at said election was in favor of the adoption of said Constitution.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory, the date first above written.

{ SEAL }

JOHN W. MELDRUM,
SECRETARY OF WYOMING TERRITORY.